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09/986,689	11/09/2001	Takeshi Ikuta	SN-US000588	5787

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EXAMINER

LANGDON, EVAN H

ART UNIT PAPER NUMBER

3654

DATE MAILED: 02/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/986,689

Applicant(s)

IKUTA, TAKESHI

Examiner

Evan H Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,16-18,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1,3-11,16-18,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification does not provide proper antecedent basis fo the drag lever extending *towards* the rod mount.

### ***Claim Rejections - 35 USC § 112***

Claims 1, 3-11 and 16-18 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regards to claims 1 and 16, it is unclear how the drag lever is meant to extend toward the rod mount since the drag lever is pivotally fitted to the reel body and can rotate to extend in a multiple of different directions.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 8, 16-18, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (US 4,688,346) in view of Noda (US 5,150,854) and Furubayashi (US 5,615,842).

In regards to claims 1 and 16, Collins shows a dual-bearing reel 25 with a reel body as seen in Figures 6 and 7, a rod mount 18 coupled to a fishing rod 10 and attached to the reel body, and having a longitudinal axis that lies on a plane dividing the reel body 25 into first and second sections, a spool rotatively carried in the reel body, and a handle that cranks the spool as seen in Figures 6 and 7, and a drag lever as seen un-numbered in Figures 5 and 6. The rod mount is at the top of the reel, so that the reel is mounted below the rod in use, as seen in Figure 5.

Collins fails to show a harness connector including first and second harness clips that removably and reattachably engage a harness where the harness connector is provided on a side of the reel body on which the rod mount is mounted, but discloses that the reel can be used for deep sea fishing and can be adapted for use with a harness, as explained in column 1, lines 10-21.

Noda teaches a reel body having a longitudinal axis that lies on a plane dividing the reel body 1 into first 11 and second 12 sections, a harness connector including first 40 and second 41 harness clips that removably and reattachably engage the harness where the harness connector is provided on a top side of the reel body on which the rod mount is mounted as seen in Figures 2 and 3 and where the first 40 and second 41 harness clips are located on the first 11 and second 12 sections of the reel body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual-bearing reel of Collins to include a harness connector on the top

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side of the reel body and on either side of the rod mount, as suggested by Noda, to allow the weight of the rod to be supported by the angler's shoulders, neck and waist.

Further, Furubayashi teaches a drag lever 9 that is star shaped and extends in all radial directions, including towards the rod mount.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drag lever of Collins as modified by Noda to include a star shape lever as suggested by Furubayashi, to better grip and adjust the drag lever.

In regards to claim 3, Collins as modified by Noda and Furubayashi teaches the harness clips are installed with a coupling member 42 as seen in Figures 2 and 3 (Noda).

In regards to claim 4, Collins as modified by Noda and Furubayashi teaches a rod mount that is removably and reattachably coupled to the reel body (Collins).

In regards to claim 6, Collins as modified by Noda and Furubayashi teaches a rod mount attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod as see in Figure 5 (Collins).

In regards to claim 8, Collins as modified by Noda and Furubayashi teaches a reel body with first and second side plates 11, 12 (Noda) disposed at a spacing direction of the rotational axis of the spool, and top and bottom connectors 30 and 15 connecting the two plates.

In regards to claims 17 and 18, Collins as modified by Noda and Furubayashi teaches a rod mounting means attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod, and where the reel body has rod mount coupling means for coupling the rod mounting means to the reel body removably and reattachably as see in Figure and 5 (Collins).

In regards to claims 21 and 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to when modifying the reel of Collins to include the harness means of Noda and drag handle of Furubayashi, where the clips are located on the first and second side plates 11, 12 (Noda) and the rod connector (Collins) is disposed between the clips, that the dimensions of a first transverse width, the width between the inner surfaces of the first and second clips, would be greater than the second transverse width, the width of the rod mount, and less than the third transverse width, the width of the inner surfaces of the side plates 11, 12 (Noda).

Claims 5 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Collins as modified by Noda and Furubayashi as applied to claim 1 above, and further in view of Veroli.

In regards to claims 5 and 7, Veroli teaches a rod mount has a mounting pod for coupling to a fishing rod where the mounting pod is a plate-shaped component with a surface curved to fit the surface of the fishing rod as seen in Figure 1 (Veroli).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rod mount Collins as modified by Noda and Furubayashi as suggested by Veroli to better secure the reel to the rod.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Noda and Furubayashi as applied to claims 1 and 5 above, and further in view of Yeh (US 5,865,388).

In regards to claims 9-11, Yeh teaches a rod mount 20 (Yeh) including a leg portion joining the mounting pod 26 (Yeh) and the reel body where the mounting pod is formed unitarily

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with the leg portion and the leg portion includes a pair of pillar shaped members that extend vertically from the reel body as seen in Figure 1 (Yeh).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reel of Collins as modified Noda and Furubayashi to include leg portion joining the rod mount as suggested by Yeh, to obtain a better grip on the rod.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4-8 and 16-18 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veroli (US 3,166,269) in view of Noda and Furubayashi.

In regards to claims 1 and 16, Veroli shows a dual-bearing reel with a reel body as seen in Figure 1, a rod mount 17 coupled to a fishing rod 12 and attached to the reel body, and having a longitudinal axis that lies on a plane dividing the reel body into first and second sections, a spool 26 rotatively carried in the reel body, a drag lever 92 and a handle 53 that cranks the spool. The rod mount is at the top of the reel, so that the reel is mounted below the rod in use, as seen in Figure 1.

Veroli fails to show a harness connector including first and second harness clips that removably and reattachably engage a harness where the harness connector is provided on a side of the reel body on which the rod mount is mounted.

Noda teaches a reel body having a longitudinal axis that lies on a plane dividing the reel body 1 into first 11 and second 12 sections, a harness connector including first 40 and second 41 harness clips that removably and reattachably engage the harness where the harness connector is provided on a top side of the reel body on which the rod mount is mounted as seen in Figures 2 and 3 and where the first 40 and second 41 harness clips are located on the first 11 and second 12 sections of the reel body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the dual-bearing reel of Veroli to include a harness connector on the top side of the reel body, as suggested by Noda, to allow the weight of the rod to be supported by the angler's shoulders, neck and waist.

Further, Furubayashi teaches a drag lever 9 that is star shaped and extends in all radial directions, including towards the rod mount.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the drag lever of Veroli as modified by Noda to include a star shape lever as suggested by Furubayashi, to better grip and adjust the drag lever.

In regards to claim 3, Veroli as modified by Noda and Furubayashi teaches the harness clips are installed with a coupling member 42 as seen in Figures 2 and 3 (Noda).

In regards to claims 4, 5 and 7, Veroli as modified by Noda and Furubayashi teaches a rod mount 17 (Veroli) that is removably and reattachably coupled to the reel body, has a mounting pod for coupling to a fishing rod where the mounting pod is a plate-shaped component with a surface curved to fit the surface of the fishing rod as seen in Figure 1 (Veroli).



In regards to claim 6, Veroli as modified by Noda teaches and Furubayashi a rod mount attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod as see in Figures 1 (Veroli).

In regards to claim 8, Veroli as modified by Noda and Furubayashi teaches a reel body with first and second side plates 11, 12 (Noda) disposed at a spacing direction of the rotational axis of the spool, and top and bottom connectors 30 and 15 connecting the two plates.

In regards to claims 17 and 18, Veroli as modified by Noda and Furubayashi teaches a rod mounting means attachable to the upper side of the reel body where the reel is disposed below the fishing rod when the rod is connected to a fishing rod, and where the reel body has rod mount coupling means for coupling the rod mounting means to the reel body removably and reattachably as see in Figures 1 (Veroli).

In regards to claims 21 and 22, it would have been obvious to one of ordinary skill in the art at the time the invention was made to when modifying the reel of Veroli to include the harness means of Noda and drag handle of Furubayashi, where the clips are located on the first and second side plates 11, 12 (Noda) and the rod connector 17 (Veroli) is disposed between the clips, that the dimensions of a first transverse width, the width between the inner surfaces of the first and second clips, would be greater then the second transverse width, the width of the rod mount, and less then the third transverse width, the width if the inner surfaces of the side plates 11, 12 (Noda).

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veroli in View of Noda and Furubayashi as applied to claims 1 and 5 above, and further in view of Yeh (US 5,865,388).

- In regards to claims 9-11, Yeh teaches a rod mount 20 (Yeh) including a leg portion joining the mounting pod 26 (Yeh) and the reel body where the mounting pod is formed unitarily with the leg portion and the leg portion includes a pair of pillar shaped members that extend vertically from the reel body as seen in Figure 1 (Yeh).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the reel of Veroli as modified Noda and Furubayashi to include leg portion joining the rod mount as suggested by Yeh, to obtain a better grip on the rod.

#### ***Allowable Subject Matter***

Claims 12 and 13 are allowed.

#### ***Response to Amendment***

Applicant's arguments filed on (7/1/2002) have been fully considered but are not persuasive with respect to claims 1, 3-11 and 16-18 and 21-22.

The reel of the Collins patent shows in every embodiment the reel attached to the rod from below. The Applicant's reliance on a statement that the braces 35 are typical and conventional structure associated with Penn International and Senator big game reels does not mean that the reel of Collins is a conventional reel of the above mentioned or operated in the same manner. It does mean that the braces 35 used to secure the reel to the rod are braces that are well known in the art.

The reel of the Veroli patent shows the reel attached to the rod from below in Figures 1-3. The Applicant's reliance on Figure 2 showing the indicators for the drag are marked upside

down are inaccurate. When one is fishing while holding the fishing rod and having the reel mounted below, the only way to possibly read the indicators on the side of the reel is to have them as they are shown in Figure 2. This is so when the fisherman looks down, they will be looking at the indicators from their point-of-view.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H Langdon whose telephone number is (703)-306-5768. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (703)-308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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